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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/804,387 | 03/19/2004 | Gregg Z. Adelman | 034401.00001 | 7231 |

27863 7590 06/23/2005

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EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/804,387 | Applicant(s) ADELMAN, GREGG Z. | |
| | Examiner RAMON O. RAMIREZ | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>5/17/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This is the third Office Action corresponding to communication filed June 13, 2005. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Bancalari (Pat No 4,744,536).

The patent to Bancalari discloses an IV bag stand comprising a plurality of permanently interconnected telescopic support members (32a-d), a collapsible base (16) having a plurality of legs (18), a hanger (30) for supporting IV bags, a plurality of combination lock and stop members (38, 40, 36). The disclosure of Bancalari at any time discloses the support members being removable from each other; it appears to be permanently interconnected.

Claim Rejections - 35 USC § 103

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bancalari.

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The specific dimensions of the stand shown by Bancalari in its extended and collapsed positions are considered to be matter of expediency obvious to those skilled in the art.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bancalari in view of Kunick.

The patent to Kunick has been explained in former Office Actions, and accordingly it would not be repeated.

It would have been obvious to provide the stand shown by Bancalari with a C-shaped hanger as shown by Kunick as an alternative type of hanger. Note that both are used to support IV bags from a stand.

Claims 10 and 13 are rejected under 35 U.S.C. 102(b) as anticipated by Kunick or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kunick in view of Bancalari.

As indicated in former Office Actions, the patent to Kunick discloses all the elements recited here. If the support elements shown by Kunick were not permanently interconnected then it would have been obvious to make them permanently interconnected as shown by Bancalari to avoid losing any of the elements when the stand is storage.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable Kunick.

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The specific dimensions of the stand shown by Bancalari in its extended and collapsed positions are considered to be matter of expediency obvious to those skilled in the art.

Allowable Subject Matter

Claims 1-9 are allowed.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the patent to Beganich are persuasive and the rejection of the claims under Beganich has been withdrawn. The arguments against Kunick are not totally persuasive since Applicant is relaying more in conclusions than in facts, since Kunick does not have a written specification stating that the support elements are releasably interconnected. However, the former rejection has been modified to address the hypothetical scenario presented by Applicant.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is

(571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI, can be reached on (571) 272-6788.

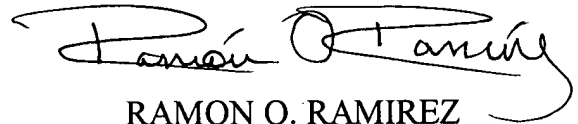
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A shortened period for response to this Office Action expires THREE MONTHS from the mailing date of this action.

ROR
June 20, 2005

A handwritten signature in black ink, appearing to read "Ramon O. Ramirez", with a stylized flourish at the end.

RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632